

E AND R AMENDMENTS TO LB 713

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 79-248, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-248 Every school district shall cause ~~every child~~
6 children under its jurisdiction to be separately and carefully
7 inspected, except as otherwise provided in this section, to
8 ascertain if ~~such~~ a child is suffering from (1) defective sight or
9 hearing, (2) dental defects, or (3) other conditions as prescribed
10 by the Department of Health and Human Services. Such inspections
11 shall be conducted on a schedule prescribed by the department and
12 shall be based on current medical and public health practice. If
13 such inspection determines that any child has such condition, the
14 school shall notify the parent of the child in writing of such
15 condition and explain to such parent the necessity of professional
16 attendance for such child. Whenever a child apparently shows
17 symptoms of any contagious or infectious disease, such child shall
18 be sent home immediately or as soon as safe and proper conveyance
19 can be found and the proper school authority, school board, or
20 board of education shall be at once notified. Such student may
21 be excluded from school as provided in section 79-264. ~~No child~~
22 ~~shall be compelled to submit to a physical examination other than~~
23 ~~the inspection by the school over the written objection of his~~

1 ~~or her parent or guardian delivered to the school authorities.~~
2 ~~Such objection does not exempt the child from the quarantine laws~~
3 ~~of the state and does not prohibit an examination for infectious~~
4 ~~or contagious diseases.~~ A child shall not be required to submit
5 to an inspection required by this section if his or her parent
6 or guardian provides school authorities with a statement signed
7 by a physician, a physician assistant, or an advanced practice
8 registered nurse practicing under and in accordance with his or
9 her respective credentialing act or other qualified provider as
10 identified by the department in rules and regulations adopted
11 pursuant to section 79-249, stating that such child has undergone
12 such required inspection within the past six months. A child shall
13 submit to any required inspection for which such a statement is not
14 received.

15 Sec. 2. Section 79-249, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 79-249 The Department of Health and Human Services shall
18 adopt and promulgate rules and regulations for conducting school
19 health inspections, the qualifications of the person or persons
20 authorized to make such inspections, and the health conditions to
21 be observed and remedied and shall furnish to school authorities
22 the rules and regulations and other useful materials for carrying
23 out the purposes of sections 79-248 to 79-253. The department may
24 make available to schools methods for the gathering, analysis, and
25 sharing of school health data that do not violate any privacy laws.

26 On and after July 1, 1999, no staff member of any school
27 shall administer medication unless the school complies with the

1 applicable requirements of the Medication Aide Act. Notwithstanding
2 any other provision, nothing in the act shall be construed to
3 require any school to employ or use a school nurse or medication
4 aide in order to be in compliance with the act.

5 Sec. 3. Section 79-250, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-250 During ~~the first quarter of~~ each school year the
8 school district shall provide the inspections required by section
9 79-248 for the children then in attendance. As children enter
10 school during the year, such inspections ~~must be made immediately~~
11 shall be confirmed upon their entrance.

12 Sec. 4. Section 79-252, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-252 ~~The~~ In lieu of conducting the inspections required
15 by section 79-248, the board of education or school board of
16 any school district may employ regularly licensed physicians to
17 make ~~physical examinations or inspections in lieu of school health~~
18 ~~inspections required by section 79-248.~~ such inspections.

19 Sec. 5. Original sections 79-248, 79-249, 79-250, and
20 79-252, Reissue Revised Statutes of Nebraska, are repealed.

21 2. On page 1, line 2, strike "and" and after the comma
22 insert "and 79-252,"; and in line 3 after the semicolon insert
23 "to authorize the gathering, analysis, and sharing of school health
24 data;".